

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	Case No. 1:09-CR-149
vs.	)	
	)	
JUSTIN TYLER SMITH	)	COLLIER/CARTER

REPORT AND RECOMMENDATION

An April 26, 2010, letter from Suzanne R. Hastings, Warden of the Federal Bureau of Prisons in New York, New York, and evaluations of defendant Justin Tyler Smith were received by the undersigned Magistrate Judge. The findings in the evaluation were that the defendant does not present with a mental defect nor does defendant's mental illness (depressive disorder, not otherwise specified) impair his ability to appreciate the wrongfulness of his conduct.

A waiver of competency hearing signed by defendant and submitted by Atty. Mary Ellen Coleman of Federal Defender Services waiving defendant's right to a mental competency hearing was filed on May 28, 2010.

The Court RECOMMENDS on the basis of the waiver and the report that defendant Justin Tyler Smith be found competent to stand trial.

Dated: June 1, 2010

/s/William B. Mitchell Carter  
UNITED STATES MAGISTRATE JUDGE

-----  
<sup>1</sup> Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 72(b) of the Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 88 L.Ed.2d 435, 106 S.Ct. 466 (1985). The district court need not provide *de novo* review where objections to this report and recommendation are frivolous, conclusive or general. *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. *Smith v. Detroit Federation of Teachers*, 829 F.2d 1370 (6th Cir. 1987).